# Many Opinions Already Formed by Reading Newspapers

## JUDGE WATSON GOES SWIFTLY INTO TRIAL

(Continued from Page Eight.)

ing between the attorneys. It was agreed to let the matter go as statements on the records. But there was more argument as to when Mr. Smith appeared in the case.

"Then you will swear that I appeared before July 21?" he asked Mr. Wendenburg.

"I will swear that you appeared before the inquest," replied the other.

"There will be no dispute about the facts," the court interrupted again. "I cannot grant a postponement. Do you note an exception?"

"Yes."

"Note the exception," Mr Stenographer," said the court.

"Are there any further preliminaries?" asked the court.

**Wanted to Quash Indictment.**

Mr. Carter arose to object to the method by which the grand jury had been summoned, and said, "I move to quash the indictment." He was asked to specify grounds for the motion, but refused as a right.

"Do you not think it better to plead abatement, if there be no error upon the record?" asked the court.

"He should specify the error, and if there be grounds for the motion he ought to point them out."

"The court has asked counsel for the defense to do so, but they are unable or unwilling to do so," replied Judge Watson. "The court requests that the defense show the error, and overrules the motion. As a matter of fact," continued Judge Watson, "the court has stated that it summoned this as a special grand jury. Are there any other motions, gentlemen?"

"No," came from the defense.

"Mr. Clerk, you may arraign the prisoner."

"Henry Clay Beattie, Jr., stand up," said Clerk Cogbill.

The young man arose steadily, and without change of expression and averting his eyes only now and then to glance at those in front of him, stared hard at the clerk.

The long indictment was read amid a painful silence in the courtroom.

The father of the prisoner sat still, with bowed head.

"Are you guilty or not guilty?" asked the clerk, as he finished reading the paper.

"Not guilty," replied the accused steadily, as Mr. Smith raised his hand to interrupt him.

"I move to quash the indictment," the attorney said hurriedly. He argued that the venire facias for both the grand and petit juries had been improperly issued and served, and that the sheriff had committed an error thereon. But he failed to convince the court.

"The motion is overruled," said Judge Watson.

"Well, we want the names of all the witnesses summoned by the prosecution," said Mr. Smith. "We are entitled to that. The prosecution is not to be allowed to summon witnesses they have not named."

"Is there any objection?" asked the court.

"We have none," replied Mr. Wendenburg, "but I deny it as a proposition of law."

**Severe on Kidd.**

"Not all the names of those summoned have been furnished to the clerk," said Mr. Smith. "Many of them have been summoned by the Commonwealth's attorney under a special statute."

"I know of no such law," replied Judge Gregory.

"The court hopes the names will be given, so that the case may go on," urged Judge Watson.

"We have not shown any disposition not to give the names," said Mr. Wendenburg, "but now is the time to explain a few things to the court. We consented days ago to give names of witnesses to the other side. Since then an amateur detective named Kidd went to John Joseph, one of our witnesses, and took him to the jail to identify the prisoner as having been concerned in a certain transaction. He told Joseph that if he did identify Beattie he would be locked up. He was to swear that Beattie was not the man."

"I don't know anything about it," Mr. Smith interjected, "and I don't believe it."

"We ask for an attachment against this young man," continued Mr. Wendenburg, "to have him brought before you to show cause why he should not be punished for contempt of court."

"The matter is not before the court as a record," said Judge Watson, "and I cannot now take it up."

The prosecution intimated, however, that the alleged action of Kidd would be made a matter of record.

"We will give them the names of our witnesses as we come to them," went on Mr. Wendenburg. "And we would like them to give us the names of their witnesses. Do you refuse?" he asked, turning to counsel for the defense.

"You have no right to ask it," retorted Mr. Smith, "whereas we have a right to make the demand of you."

**Calling the Venire.**

The discussion ended when the court turned and said: "Mr. Sheriff, call the venire."

"N. W. Farley," cried the clerk, "come forward." He continued the list of the first venire, for two were summoned in case of exigency. R. Henry Covington, John T. Dance, E. L. Wilson, A. L. Fetterolf, Irving M. Bass, Jr., V. W. Fuqua, W. M. Jackson, C. A. Wilkinson, A. T. Bardwell, J. H. Fry, Warren Morrisette, J. Ernest Goode, C. H. Duffer, W. H. Eanes, R. Cleveland Wooldridge. All are residents of Chesterfield county.

"Henry Clay Beattie, Jr.," said the clerk, addressing himself to the prisoner, "the jury to try you is about to be called. If you have objection to any of them, say so." Counsel nodded.

"N. W. Farley," called the clerk.

In reply to the queries, the venireman stated that he lived two and one-half miles this side of Petersburg; was born and raised in Chesterfield; was thirty-seven years old, and was a registered voter.

"Mr. Farley," said the court, "The Commonwealth brings an indictment against Beattie, charging him with the murder of his wife. Do you know anything of your own knowledge concerning the murder?"

"Only through the newspapers," answered the venireman.

"Have you heard anything about the crime from people who claim to know about it?"

"No."

"How much do you read the newspapers?"

"Every day. I followed the story carefully, and read up on it pretty good."

"Have the accounts caused you to form an opinion as to whether the prisoner is guilty or not?"

"According to the papers my opinion has been formed. Yes, sir."

"Your opinion, you say, has been formed. Is it based on the assumption that the accounts in the papers are true?"

"Yes, sir."

"Now, pay attention to what I ask you," said the court. "Have you formed an opinion as to whether the accounts in the papers are true?"

"No, sir."

"Then your opinion is based on the assumption of the truth of the accounts."

"Yes, sir."

**Covers Every Ground.**

"The law says that one must tried by a fair and impartial jury," said the judge. "Would what you have read impair your judgment or influence you in deciding the case?"

"No, sir."

"The law," continued Judge Watson, "assumes that every man charged with a crime is innocent. Can you be guided by this presumption of law and not be influenced otherwise?"

"Yes, sir."

"Are you related by consanguinity or by other ties to the prisoner at the bar, or were you related in like manner to the deceased?"

"No, sir."

"Do you live more than three miles from any point in the Midlothian Turnpike on which the crime was committed?"

"Yes, sir."

"The punishment upon conviction of murder in the first degree is death. Have you any conscientious scruples against the infliction of such punishment?"

"No, sir."

"You said," continued the court carefully, "that you followed the newspaper accounts of the crime closely. Is your opinion decided? Could you act upon the evidence to be brought before a jury and not be guided by a previous opinion?"

"Yes, sir. I would be guided only by the evidence."

The defense was satisfied, and the first man called from the venire was accepted. The case had started.

W. M. Jackson, second man called, stated that he lived four or five miles from Petersburg, and had lived all his life in the county. He is a registered voter, and was not related to Beattie or the deceased. He had no personal knowledge of the crime, and had not heard from others who claimed to know about it. He said he read the papers fairly well.

**Doesn't Believe Newspapers.**

"Do you believe everything you see in the newspapers?" asked the court suddenly.

"No, sir, not everything," and a titter went around the courtroom.

"Have you formed a fixed opinion?"

"I might be biased by the papers."

"There are two sorts of opinions," said the court. "One is that opinion which is so fixed that one cannot get rid of it. That is a decided, or a fixed, opinion. On the other hand, you may assume certain things to be true, and base your opinion on that, changing it if you found that those things were not true. That is called a hypothetical opinion."

"I object to that definition," interrupted Mr. Carter. "A decided opinion is not necessarily a fixed opinion."

"I will amend it," answered the court. "Is your opinion based on the assumption that the newspapers are correct in their accounts?" asked the court, again addressing himself to Mr. Jackson.

"Yes, sir."

"Do you think you would be biased in your judgment?"

"I think I would be."

"Stand aside."

R. Hill Covington was the third called. He is a voter, has lived all his life in Chesterfield, and is about twenty-five years old.

"Have you read the papers?" asked Judge Watson.

"I've read them very little," was the answer.

"Could you give the prisoner a fair trial?"

"Yes, sir."

"You have formed no opinion?" asked Mr. Carter, of the defense.

"No, sir; I haven't any."

Mr. Covington was accepted.

C. T. Wilkinson, next called, is not related to Beattie or the deceased, and had no personal knowledge of the crime. He had read the papers fairly closely, he said.

"Have you formed an opinion as to the case?" he was asked.

"No, sir. Only one side of the case has been printed."

"Has anything in the papers caused you to form an opinion biased to the prisoner?"

**Guided by Evidence.**

"I think I could deport myself so as to be influenced only by the evidence," replied Mr. Wilkinson.

"Have you any scruples as to the infliction of death as a penalty prescribed by law?"

"The law prescribes the punishment, and I must support the law," came as the steady reply.

"You have no fixed opinion?" asked Mr. Carter.

"No, sir. My mind would be guided only by the evidence."

John T. Dance was called.

There was a little noise in the courtroom as Mr. Dance stepped forward.

"Sheriff, keep the courtroom quiet," ordered Judge Watson.

"Stop that talking," said the sheriff, half rising from his seat at the foot of the bench. "They seem only to be scuffling a little," he said, turning to the court. He laughed a little, and another murmur passed through the room. But it was quiet again within a moment.

Dance was not related to either the prisoner or his dead wife, had formed no opinion, was not prejudiced against the prisoner and could give him a fair trial. He had expressed no opinion. He had lived nearly all his life in Chesterfield county, and is about fifty years old. He said he would not be deterred in rendering a decision by the fact that the extreme penalty for first degree murder is death.

"Are you absolutely unprejudiced?" asked Mr. Smith, of the defense.

"Yes, sir."

Mr. Dance was accepted.

"Wait a moment," requested the court. "I forgot to ask Mr. Wilkinson a question. Mr. Wilkinson, are you a citizen of Chesterfield county?"

"Yes, sir."

"How long have you lived here?"

"Only about two months. I moved from here to Lynchburg, and then moved back."

"Have you a vote here?"

"No, sir."

"Have you a vote in Lynchburg?"

"No, sir," and the venireman explained that he had not received his transfer, owing to circumstances over which he had no control. He was excused.

**Formed No Opinion.**

T. L. Wilson was then called. After he had answered the usual preliminary questions, he was asked if he had read the papers.

"I don't read the papers much," he replied. "I can read," he explained, thinking it might be considered that he didn't read much because he couldn't read well. "I haven't much faith in newspapers," he went on. "I read about three accounts of the murder, and did not read the papers every day."

"Have you formed an opinion?"

"No, sir. I couldn't. I don't believe much in the papers. I can give a fair trial."

The defense did not question him, and he was accepted.

"A. F. Bardwell," called the clerk.

Mr. Bardwell has lived in Chesterfield twelve years, and is a registered voter. He was not related to prisoner or his dead wife. He said he read the papers every day.

"Have they caused you to form an opinion?" he was asked.

"They have gone a pretty good ways to make me form an opinion," he answered.

"Could you give the prisoner a fair trial?" asked Mr. Wendenburg.

"Yes, sir. I think I could give him a square deal."

But he added that it would take pretty strong evidence to make him change his opinion. He was ordered to stand aside for the time being.

A. L. Fetterolf said he had read nearly all the accounts of the crime. But the papers had had no effect in making him form an opinion, and he had formed none. The papers were one-sided, he said. He has been in Chesterfield twenty-two years, and is a voter. No questions were asked by the defense, and he was accepted.

Then came J. H. Fry. He has lived in Chesterfield twenty-two years, but is not a voter, having not voted for eight years. He said he was qualified to vote, but was not a registered voter. He was ordered to stand aside, and the defense excepted to the rejection. The suffrage question as to its effect on the eligibility of jurors was discussed briefly, and it was decided to take the matter of Fry and Wilkinson up later.

"We will except in either case," announced Mr. Smith, "whether they are accepted or rejected."

**Two Quickly Excused.**

Warren Morrisette was excused because it was feared that he would not be able to stand the ordeal of a possibly long trial. He has been suffering from asthma.

J. Ernest Goode was rejected because he believed the prisoner guilty, and his opinion was too fixed.

Irving M. Bass, Jr., qualified, as he had read little in the papers, and had expressed no opinion and had no scruples against the extreme penalty demanded by law. The defense did not question him, and he was accepted.

B. W. Fuqua had not expressed an opinion, and could give a fair trial on the legal presumption of the innocence of the prisoner. He was accepted.

C. H. Duffer claimed exemption on account of his age. He is sixty-nine years old.

W. H. Eanes was called.

"How old are you?" inquired the court.

"Sixty-three years."

"Do you claim exemption?"

"No, sir.'

"Are you healthy?"

"Yes, sir. I'm pretty strong and healthy. I haven't had a doctor for years." He had expressed an opinion from what he had read in the newspapers, but did not believe all he read in them. He said the papers had conflicting accounts.

"What papers do you read?" asked the court.

"The Times-Dispatch and the Journal," he replied. He said he believed the prisoner was guilty, and it would take strong evidence to make him change his mind. He didn't know whether he could act on the presumption that every man is innocent. He was requested to stand aside for a time. Judge Watson saying that he would like to look up a decision of the Supreme Court in the McCue trial as to the eligibility of a man situated like Mr. Eanes.

R. C. Wooldridge, twenty-six years old, is not a voter, and was asked to stand aside temporarily.

**Again Moved to Quash.**

"Seven men have been accepted," stated the court, "and three men have been set aside temporarily. If the defense wishes, it may argue now on the suffrage question as it relates to the eligibility of jurors."

"We move to quash and discharge this venire. We move to quash the venire facias summoning a petit jury and the sheriff's return thereon," said Mr. Carter.

But the defense refused to state upon what grounds the motion was made, or to point out the error it alleged, and the motion was overruled.

"Do you except to the three men set aside?" the defense was asked.

"We will except in either case," replied Mr. Smith, "whether they are accepted or rejected."

Mr. Wendenburg arose to ask that the prosecution be allowed a ten-minute conference, and as it was within that time of the adjourning hour—1 o'clock—it was decided to adjourn until 2 o'clock.

Before adjourning Judge Watson addressed those petit jurors who had been accepted.

"You have been accepted in this case," he said to them, "and you must be exceedingly careful not to talk with any one concerning it, and not permit any one to talk with you. If you should discuss the case with outsiders and it should be discovered afterwards, the defense could except, there would be an error in the trial and the case would be greatly delayed. Don't let a human beng talk to you about the case. Return to court at 2."

### Beattie Trial Jurors.

**The jurors, all but two of them, are farmers from the county. The two exceptions are a quarryman and a contractor. The names of the jurors are:**

**No. 1—N. W. Farley, quarryman, thirty-seven years old.**
**No. 2—R. H. Covington, thirty-three years old.**
**No. 3—John T. Dance, forty-eight years old.**
**No. 4—E. L. Wilson, thirty-eight years old.**
**No. 5—A. L. Fetteroff, contractor, thirty-four years old.**
**No. 6—Irving L. Bass, Jr., thirty years old.**
**No. 7—B. W. Fuqua, twenty-seven years old.**
**No. 8—W. L. Burgess, fifty-two years old.**
**No. 9—M. E. Purdie, twenty-seven years old.**
**No. 10—J. C. Condrey, fifty-three years old.**
**No. 11—W. Y. Lundy, fifty-nine years old.**
**No. 12—H. C. Robinson, forty-four years old.**

### Witnesses for State in Beattie Case

| | |
|---|---|
| T. P. Pettigrew, | W. J. Brown, |
| Thomas E. Owen, | Mrs. Paul Beattie, |
| Beulah Binford, | Mrs. E. J. Houchens, |
| Paul Beattie, | E. J. Houchens, |
| Thomas J. Wren, | Luther L. Scherer, |
| J. L. Wiltshire, | G. T. Robertson, |
| W. H. Flynn, | Dr. J. G. Loving, |
| Dr. A. G. Franklin, Jr., | Dr. Wilbur Mercer, |
| Jeff Morrisette, | Henrietta Pittman |
| James D. Patton, | Mamie Shafer, |
| Dr. Herbert Mann, | Samuel Talley, |
| May Stuart, | Emma J. Robertson, |
| Marie Haynes, | Mr. —— Farley, |
| James Thomas, | T. W. Wills, |
| Mrs. —— Elliott | W. O. McEvoy, |
| W. H. Sampson, | John Button, |
| B. S. Powers, | W. B. Kidd, |
| Mrs. B. S. Powers, | E. S. Burch, |
| —— Mosly, | Mrs. —— Cobb, |
| —— Brown, | I. J. Pace, |
| James Green, | Frank Mason, |
| C. G. Whitmore, | Jim Cunningham, |
| John Joseph, | John Sandafer, |
| Marie Wells, | T. A. Cousins, |
| Sidney Wilbon, | John Randolph, |
| W. A. Jacob, | Linwood Bolton. |
| W. F. Britt, | |

## 12 POSSIBLE JURORS FOR BEATTIE TRIAL

### Court Adjourns Late in Afternoon Until To-Morrow, When Third Venire Will Be Called. Case Proper Begins Thursday.

After diving deep into many law books during the noon recess, Attorney Wendenburg argued as to the eligibility of the three veniremen, C. P. Wilkinson, J. H. Frye and R. Cleveland Wooldridge, who were not qualified voters, although otherwise citizens of the State and not otherwise disqualified from voting save from the fact that they had not registered.

Judge Watson after consideration of the points involved ruled that Mr. Wooldridge was clearly ineligible, not having lived in the county for twelve months previous to having been summoned. Mr. Carter, for the defense, was non-committal. He would not state whether the defense wanted the questionable jurors admitted to the panel or excluded, but was frank enough to say that he proposed to note an exception in either case. The same objection was found to apply to Mr. Frye. Mr. Wilkinson was again examined, and after telling of having moved for a time to Lynchburg and then back to Chesterfield, he was also declared ineligible.

**Seven in Box.**

The first venire of sixteen men had then been called with the result that seven jurors were in the box, as follows: N. W. Farley, R. Henry Covington, John T. Dance, E. L. Wilson, A. L. Fetteroff, Irving L. Bass, Jr., and B. W. Fuqua. Mr. Farley is a quarryman by trade; Mr. Feteroff, a contractor and builder, and the others are farmers from the section of the county lying nearest to Petersburg, and therefore far from the scene of the crime.

Although another venire was already in attendance on the court for the trial of the general cases of the term, the members of which were eligible to be examined for jury service, on advice of attorneys for the Commonwealth a recess was taken while Clerk Cogbill issued a formal writ for a second venire, the members of which were already in attendance on the court. Twenty men answered to their names when Sheriff Gill called the roll, and again the tedious proceeding of examining each individual went on through the warm afternoon until almost night.

E. A. Belcher, forty-two years old, had read The Times-Dispatch daily since the crime, and had formed an opinion. He believed the substance of what he had read to be a correct and true account of the murder, and had expressed his opinion of the case several times. He was excused.

W. S. Clarke, aged fifty-five, had read a little of the case, but thought he could give a fair trial. It would require evidence to change the opinion he had already formed, however, and he was allowed to stand aside after prolonged cross-examination as to the extent the impressions on his mind were in reality fixed opinions. O. W. Cox, aged fifty-two, had read everything he could get hold of on the case from the first, and was promptly rejected as ineligible. P. L. Wilkinson, aged thirty-eight, had read the papers and had a fixed opinion which it would take material evidence to change. He was excused. T. J. Partin, aged forty-two years, had formed an opinion from newspaper accounts, and had so expressed himself, and was allowed to stand aside.

**One Juror Secured.**

W. L. Burgess proved the first addition to the jury at the afternoon session. He is fifty-two years of age, and had read newspapers, but his opinion was not such that evidence could not alter it. He believed he could give a trial as though he had never seen the papers, as the newspaper for which he subscribes, he stated, had printed but one side. He was accepted as a juror, though attorneys for the defense noted an exception, since the venireman had admitted that it would require testimony to change his opinion.

R. R. Gregory, fifty-five years of age, had read accounts every day and had a fixed opinion that the accounts he had read were true. He was allowed to stand aside. J. Q. Holt, aged fifty-five, had read the paper closely, but "only took just so much stock" in what he had read. He had formed an opinion provided what he had seen in the papers was correct. He admitted that the opinion would remain in his mind until removed by testimony, and that if the testimony should prove on oath to be as represented in the newspapers, his mind was already made up on the case. The court held that under the rule laid down by the Court of Appeals in the McCue case, the venireman was a competent witness, but it did not appear that any such exigency had been reached as would justify the court in accepting as a juror any one who had formed such an opinion, so he would ask the witness to stand aside.

**Carter Prompt With Exceptions.**

Nelson E. Purdie, aged twenty-seven, was accepted as juror No. 9, to which Mr. Carter excepted, as the witness had formed a certain tentative opinion in the case based on what he had read in newspapers.

J. B. Miles, aged fifty, had read of the crime and formed an opinion that much of what he read must be true. He was afraid that his mind might be biased, and was allowed to stand aside. C. F. Ellett stated that he was ill and was excused on that account.

J. C. Condrey, aged fifty-three, filled the tenth seat in the jury box. He is a farmer and had read a "few sketches" from newspapers, receiving no lasting impression. He could give a fair and impartial trial he thought. He subscribed to no newspaper, and had read but few copies since the murder. He was closely cross-examined by Attorney Smith, and made to give a list of his neighbors and their addresses, in the course of which examination he admitted that most of what he had read of the case was from newspapers used as the wrapping for packages that had come into his hands.

**Many Are Excused.**

W. W. Crutchfield had read of the case and formed an opinion, and was promptly excused. L. C. Cosby seemed in some respects an available juror, although he had talked with neighbors about the case. It appeared that his health was not strong, however, and he was excused. J. B. Simonton pleaded his exemption as more than sixty years of age, and was honorably discharged by the court, with reference to his long service to the county in other connections. E. L. Gates, forty-eight years old, had read accounts closely and formed his opinion, and was excused.

C. T. Ienley was sixty years of age, but waived his exemption. He was found to have an opinion on the case, however, and was allowed to stand aside. W. Y. Lundy, aged fifty-nine, said that while he had read of the case he had formed no opinion, remarking that the accused was on trial for his life, and that it was a time to lay aside prejudice when entering the jury box. He had expressed opinions to members of his family, based on what he had read in Petersburg papers, subject to the condition that the facts stated in the paper were true. He was accepted as the eleventh juror, though another exception was noted by the defense.

Horace C. Robinson, aged forty-four, had read but little, subscribing to no paper, and having seen but few copies since the killing. He didn't think what he had seen would bias his mind, remarking that "newspaper gossip was of no effect." He was accepted without objection. J. J. Cheatham, the last man of the second venire, had followed the newspapers fully and formed an opinion, and was allowed to stand aside.

**Twelve Jurors Secured.**

Having then examined thirty-six men the court had passed twelve possible jurors. Still lacking four of the necessary panel of sixteen required, from which the defense has the right to strike four without cause, the court determined that it was not practicable to complete the panel from the bystanders, and after a conference among attorneys, an adjournment to Wednesday at 12 o'clock was agreed upon. Sheriff Gill was asked to summon a third venire, this time of thirty men. Judge Watson said he had no desire to overcrowd the sheriff in the matter, as it would take time to summon thirty men from widely separted points in the county, and he had never known the sheriff to be behind time or to fail to get any one sent for. Mr. Gill was sure he could get any thirty men in the county within twenty-four hours. Judge Watson stated that he knew of no provision of law for keeping the venire together before the jury was sworn, and the twelve possible jurors were allowed to go to their homes with an earnest warning from the judge.

**Warning to Jurors.**

"The court has found you," said Judge Watson, addressing the jurors, "free of exception and qualified to sit perhaps as jurors in this trial. It is not my purpose to keep you together in the custody of the sheriff, and you are adjourned to Wednesday at 12 noon. I caution you not to talk to one another about this case, or to permit any one else to talk to you, or to talk in your presence about it, or to read anything in any newspaper in any way bearing on the case, until you return to this court. It is a matter of first importance, and I shall ask you on your return whether you have read or heard anything about this case or whether you have discussed it in any way one with another."

On the suggestion of Commonwealth's Attorney Gregory that most of Wednesday afternoon would be taken in examining the new venire and completing the jury panel, the witnesses for the Commonwealth were called and excused to Thursday morning at 10 o'clock, when the trial proper will begin.

**Defense Opens Saturday.**

Mr. Wendenburg asserted that many of the witnesses called by the prosecution would not be used saved in rebuttal, and that but a brief time would be taken and but few witnesses would be called in making out the State's main case. Witnesses for the defense were therefore summoned to be in court on Saturday morning. Mr. Smith did not believe that the case would be turned over to the defense until next week, but out of precaution Judge Watson advised that the defense be ready to go ahead on Saturday.

The question of the disposition of the prisoner, Henry Clay Beattie, Jr., was then raised. Provision had been made for his safekeeping at Chesterfield Courthouse, and his cell was ready. Mr. Smith said, however, that attorneys for the defense wished to consult him as to many details of the case to-day, and that it would be a convenience to them were he returned to the Henrico jail, where he has been kept since the coroner's inquest.

Judge Watson called on Special Agent L. L. Scherer, and on his statement that he was a sworn officer of the law, the prisoner was turned over to him for transmission to the Henrico County Jail, where he was later delivered to the custody of Sheriff L. H. Kemp, to be produced at Chesterfield Courthouse to-morrow afternoon, when the examination of new veniremen will be resumed. The prisoner was hurried back to the city in a motor car surrounded by county, city and special officers.

**Five Farmers Added.**

The result of the afternoon session added to the seven men accepted in the morning five farmers, all coming from the southwestern section of the county, many miles from the scene of the homicide, as follows: W. L. Burgess, N. E. Purdie, J. C. Condrey, Horace C. Robinson and W. L. Lundy. The monotony of the afternoon session was unrelieved by any incident. One venireman after another was subjected to the questioning of the court. To the onlooker it seemed that the defense was a little more strict than it had been in the morning in drawing distinctions between mere tentative views based on hearsay, and fixed opinions. It was noticed that while in the morning seven jurors had been selected from a venire of sixteen, in the afternoon but five were chosen from a venire of twenty. In order that there might be no further delay, Judge Watson thought it best to summon not less than thirty in the third venire. These seems now no doubt but that the four remaining seats in the panel can be filled from this venire, and that no reason will appear for going outside of the county in which the murder was done to secure a jury.

## ROWLAND SYDNOR APPEARS NOW AS LEADING WITNESS FOR THE DEFENSE

(Continued From First Page.)

up its sleeve which in itself has helped to carry Henry Beattie through the trying strain of the past month has been frequently hinted. Attorneys Smith and Carter are silent when asked what some of their witnesses are expected to prove. Some of the names have never before been mentioned in connection with the case, as, for instance, Blacksmith Gibbs, of Swansboro; L. W. Cheatham, of South Richmond; former City Sergeant of Manchester John G. Saunders and others. Many of the friends of young Beattie are called, as, for instance, C. Burley Anderson, of Cowardin Avenue; Sidney Wilborn, of South Richmond; W. H. Sampson, of 1100 Porter Street; R. S. Robertson, of the Merchants' and Mechanics' Bank, and others.

**Defense Springs Surprise.**

The surprising name on the list furnished by the defense is that of Rowland Sydnor, a Chesterfield dairyman, living on the Midlothian Turnpike, and whose evidence was popularly believed to be a material link in the chain of the prosecution. Yet his name appears among the list of those called for the defense, and the belief is strong that his testimony may prove something of a surprise, not only to the public, but to the prosecution itself.

In the list furnished by Attorney Smith there does not appear the name of any insanity witnesses, nor were there any experts in the list of those called by the State. The defense is known to have carefully canvassed the history of the Beattie family and consulted experts in considering an insanity plea. The Commonwealth candidly admits that it has notified the superintendents of two State hospitals for the insane that they may be needed as expert witnesses should the plea of insanity be offered.

Both sides are apparently playing for position in the matter of witnesses. It is not believed that either has shown its full hand. In fact, it came out in court yesterday that Commonwealth's Attorney Gregory had personally seen several people and asked them to be in court should they be needed, though the record does not show that they have been formally called. Likewise the defense is believed to be holding back part of its hand. It will have other witnesses either where they can be summoned readily or else in actual attendance on the court as a result of the request of attorneys, waiving the formal service of summons by the sheriff of the court.

### STATEHOOD A REALITY

**Taft Signs Resolution Admitting New Mexico and Arizona.**

Washington, August 21.—President Taft signed the joint resolution for the admission of New Mexico and Arizona into the Union at 3:08 P. M.

Senator Penrose, Representatives Weeks, of Massachusetts, and Barchfield, of Pennsylvania, the delegates of the Territories, and a number of citizens from New Mexico and Arizona witnessed the signing. There was but one resolution, and the President used three different pens in order that some of the relic hunters might be satisfied.

When the resolution was laid on his desk he looked up at the crowd around him and said:

"Has anybody read this?"

Nobody answered, and to make certain of it the President read the resolution himself.

"Well, it's done," he said, as he put the last stroke on the parchment.

The resolution signed by the President provides that Arizona shall eliminate the judiciary recall clause in its Constitution.

### TOGO TAKES LAST LOOK

**Has Farewell View of Niagara, Then Leaves for the West.**

Niagara Falls, N. Y., August 21.—Admiral Count Togo took a last look this afternoon at the roaring cataract which of all America's sights has impressed him most, and his private car started at 6:20 o'clock to-night on its transcontinental journey to Vancouver. He appeared in good health and spirits. With the exception of an hour's stop at Toronto to-night, where, however, he will remain in his car, the distinguished Japanese will go direct to Banff, in the Canadian Rockies, rest there for twenty-four hours, and continue his trip Friday, arriving at Vancouver on Saturday. He is expected to spend both Sunday and Monday in Seattle, embarking next Tuesday for Japan, arriving in Yokohama on September 14.

### ROOSEVELT DOES NOT WANT IT

**Would Deplore Movement to Nominate Him in 1912.**

Pittsburg, Pa., August 21.—Former President Theodore Roosevelt, in a letter to Alexander P. Moore, editor of the Pittsburg Leader, made public to-day, says: "I must ask not only you, but every friend I have, to see to it that no movement whatever is made to bring me forward for the nomination in 1912. I should esteem it a genuine calamity if such a movement were undertaken."

The Leader has been advocating the nomination of Mr. Roosevelt for President in 1912.

**Building Permits.**

The following permits to build and repair were issued in the office of Building Inspector Beck yesterday:

E. S. Gibson, to erect a detached one-story frame dwelling, 1407 North Twenty-third Street, $1,200.

Louisa Johnson, to erect a detached two-story frame dwelling, 29 East Eighteenth Street, Washington Ward, $500.

J. A. Coutchins, to repair brick tenement, 1223-25 St. James Street, recently damaged by fire.

T. C. Williams, Jr., to repair brick warehouse, 1-6-8 North Fourteenth Street, $500.

**Meeting Postponed.**

A meeting of the Richmond Automobile Club was scheduled for last night, but owing to the fact that but a few members put in an appearance, the meeting was postponed. It is probable that a called meeting will be held later in the month.